

IC 13-16

ARTICLE 16. FEES GENERALLY

IC 13-16-1

Chapter 1. General Provisions Regarding Establishment of Fees

IC 13-16-1-1

Applicability of chapter

Sec. 1. This chapter applies to fees established under this title by any of the following:

- (1) The air pollution control board.
- (2) The water pollution control board.
- (3) The solid waste management board.

As added by P.L.1-1996, SEC.6.

IC 13-16-1-2

Board duties; factors to consider in establishing or revising fees

Sec. 2. To establish fees or change the amount of a fee, a board shall:

- (1) follow the procedure required for the adoption of rules; and
- (2) take into account:
 - (A) the cost of the issuance of a permit or license;
 - (B) the cost of the performance of services in connection with the supervision, review, and other necessary activities related to the area involved;
 - (C) the cost of the surveillance of the activity or property covered by the license or permit; and
 - (D) fees charged for equivalent permits or licenses in other states.

As added by P.L.1-1996, SEC.6.

IC 13-16-1-3

Basis for fees

Sec. 3. A fee established by one (1) of the boards under this chapter for a type or class of permit may be based on the average of the costs specified in section 2 of this chapter for all permits of that type or class.

As added by P.L.1-1996, SEC.6.

IC 13-16-1-4

Review and revision of fees

Sec. 4. The boards shall periodically review the fees established under this chapter. A board may change the amount of a fee if the board determines, based upon the factors set forth in section 2 of this chapter, that the amount of the fee is not appropriate.

As added by P.L.1-1996, SEC.6.

IC 13-16-1-5

Environmental management special fund

Sec. 5. A fee established under this chapter shall be deposited in

the environmental management special fund under IC 13-14-12 when the fee is collected.

As added by P.L.1-1996, SEC.6.

IC 13-16-1-6

Prohibitions

Sec. 6. Notwithstanding sections 1 through 5 of this chapter or any other law, a board or the department may not do any of the following:

- (1) Except as provided in section 7 of this chapter, change a fee established by:
 - (A) IC 13-18-20;
 - (B) IC 13-20-21; or
 - (C) IC 13-22-12.
- (2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:
 - (A) National Pollutant Discharge Elimination System programs.
 - (B) Solid waste programs.
 - (C) Hazardous waste programs.
- (3) Require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

As added by P.L.1-1996, SEC.6. Amended by P.L.45-1997, SEC.7; P.L.224-1999, SEC.7.

IC 13-16-1-7

Adjustments to environmental management permit operation fund

Sec. 7. (a) Before billing a person under IC 13-18-20, IC 13-20-21, or IC 13-22-12, the commissioner shall review the money in the environmental management permit operation fund established under IC 13-15-11 and make the following adjustments:

- (1) If the balance of the fund collected under IC 13-18-20, once obligated expenditures are subtracted from the balance, exceeds two million five hundred thousand dollars (\$2,500,000) as of July 1 each year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over two million five hundred thousand dollars (\$2,500,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees. Adjustments to the annual fees apply only to the next assessment year and then revert to the amounts established under IC 13-18-20.
- (2) If the balance of the fund collected under IC 13-20-21, once obligated expenditures are subtracted from the balance, exceeds two million five hundred thousand dollars (\$2,500,000) as of July 1 each year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over two million five

hundred thousand dollars (\$2,500,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees. Adjustments to the annual fees apply only to the next assessment year and then revert to the amounts established under IC 13-20-21.

(3) If the balance of the fund collected under IC 13-22-12, once obligated expenditures are subtracted from the balance, exceeds two million five hundred thousand dollars (\$2,500,000) as of July 1 each year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over two million five hundred thousand dollars (\$2,500,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees. Adjustments to the annual fees apply only to the next assessment year and then revert to the amounts established under IC 13-22-12.

(b) The appropriate board may adopt rules under IC 4-22-2 and IC 13-14-9 to adjust the amount of the fund balance at which the commissioner is required to adjust individual bills under subsection (a)(1), (a)(2), or (a)(3). However, the amount of the fund balance established by rule under this subsection may not exceed two million five hundred thousand dollars (\$2,500,000).

As added by P.L.224-1999, SEC.8.